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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,105	01/17/2002	Kenji Hatada	360842007400	1303

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Barry E Bretschneider  
Morrison & Foerster  
2000 Pennsylvania Avenue N W  
Washington, DC 20006-1888

EXAMINER

KRUER, KEVIN R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 12/19/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/787,105

Applicant(s)

HATADA, KENJI

Examiner

Kevin R Krueer

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 12-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 12-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected process, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "two or more ethylenic bonds and/or acetylenic bonds" is indefinite. Specifically, it is not clear whether the claims are drawn to a polymer produced from the polymerization of (a) an unsaturated compound having two or more ethylenic bonds and/or (b) acetylenic bonds; or if the claims are drawn to a polymer produced from the polymerization of an unsaturated compound having (a) two or more ethylenic bonds and/or (b) two or more acetylenic bonds.

Furthermore, the term "two or more ethylenic bonds and/or acetylenic bonds" is indefinite because some of the species disclosed on page 10 of the specification do not comprise either (a) two or more ethylenic bonds, or (b) acetylenic bonds. For example, castor oil and oleic acid do not possess either (a) or (b).

Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. It is unclear in what order the layers of the laminate are ordered with respect to one another. The examiner will examination claim 2 to read on a laminate comprising base resin/polymer resin/metal, and claim 3 to read on a laminate comprising base resin/metal/polymer resin.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 5, 11, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hart (US 5,089,347). Hart teaches a metallized film having a substrate of synthetic polymeric material having, on at least one surface thereof, an adherent layer comprising a homopolymer and/or copolymer of styrene and/or styrene derivative (abstract). The adherent layer has a thickness of 0.01um to 1.0um (col 5, lines 40+). The film may be utilized as a packaging wrap (col 6, line 22).

4. Claims 1, 3, 4, 5, 11, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hocker et al (US 4,740,412). Hocker teaches a multi-layered sheet structure comprising at least two layers, at least one of which consists of optionally doped polyacetylene (abstract). For example, the polyacetylene may be metallized on one or both sides (col 3, lines 39+). Also, The laminate may be used as a capacitor (col 5, lines 32+). The acetylene can also be utilized in 3-layered laminates such as those

Art Unit: 1773

disclosed in Examples 5 (PC/metal/polyacetylene), 7 (epoxy/metal/polyacetylene). The acetylene may have a thickness upwards from about 0.1um (col 4, lines 55+).

5. Claims 1, 3, 6, 10, 11, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Cichanowski (US 4,499,520). Cichanowski teaches a novel electrical capacitor comprising two electrodes separated by a dielectric member, said dielectric member comprising a polymer of at least one polyfunctional acrylate (abstract). The polyfunctional acrylate comprises a polymer of formula (I) (col 2, lines 11+). It is frequently convenient to prepare such polyhydroxy compounds by reduction of at least one corresponding polycarboxylic acid or ester thereof, which may be saturated or may contain olefinic linkages. A typical suitable polycarboxylic acid is linoleic acid dimer (col 5, lines 47+). The dielectric member is utilized in thickness of 3-6 microns (col 10, lines 27+).

6. Claims 1, 3, 6-11 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Takemura et al (US 4,763,133). Takemura teaches a reflector for a circular polarization antenna comprising (a) a thermoplastic layer, (b) a metallic layer, and (c) an inorganic filler containing thermoplastic resin layer (abstract). The thermoplastic layer (a) may comprise a paint used to improve the metal's weather resistance (col 4, lines 64+). The paint may comprise an alkyd resin prepared by condensation of polybasic acids and polyhydric alcohols (col 6, lines 4+), including those prepared by modifications using vegetable oils such as linseed oil, tung oil, castor oil, sunflower oil, soybean oil, and coconut oil can be used. An alternative paint is a two-component polyurethane paint prepared by reacting dry oils (e.g., soybean oils,

linseed oils, or castor oils) with a polyester or polyether and further with isocyanate compounds (col 9, lines 1+).

Takemura does not teach that the metal layer is deposited. However, the courts have held that the method of making a claimed product does not patentably distinguish the claimed product from a product taught in the prior art unless it can be shown that the method of making inherently results in a materially different product. In the present application, no such showing has been made.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 6-11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurfman et al (US 4,115,619) in view of Takemura et al (US 4,763,133). Kurfman teaches a multilayer metal organic polymer composite provided by metallizing a layer of thermoplastic organic polymer (abstract). The multilayer composite is useful in the manufacture of reflective and decorative parts of automobiles (abstract).

Kurfman does not teach the claimed polymer resin layer. However, Takemura teaches a metal/thermoplastic laminate (abstract). Takemura further teaches that industrial paints are widely applied to metals in order to provide the metal with improved weather resistance (col 4, lines 64+). Industrial paints include (a) an alkyd resins and

Art Unit: 1773

(b) polyurethane paints. Alkyd resins are prepared by condensation of polybasic acids and polyhydric alcohols (col 6, lines 4+), including those prepared by modifications using vegetable oils such as linseed oil, tung oil, castor oil, sunflower oil, soybean oil, and coconut oil can be used. Available two-component polyurethane paints are prepared by reacting dry oils (e.g., soybean oils, linseed oils, or castor oils) with a polyester or polyether and further with isocyanate compounds (col 9, lines 1+). It would have been obvious to one of ordinary skill in the art to utilize the industrial paints taught in Takemura on the metallized substrate taught in Kurfman in order to improve the laminate's weather resistance.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 703-305-0025. The examiner can normally be reached on Monday-Friday from 7:30a.m. to 4:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is 703-305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

*K-RK*  
KRK

*Paul Thibodeau*  
Paul Thibodeau  
Supervisory Patent Examiner  
Technology Center 1700